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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighth session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 May 1993, at 10 a.m.

Chairperson: Mr. ALSTON
later: Mrs. VYSOKAJOVA

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The meeting was called to order at 10.15 a.m.

STATEMENT BY THE COMMISSION ON HUMAN RIGHTS SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

1. The CHAIRPERSON said that, in order to give practical effect to the Committee's desire to have contacts as frequent as possible with as many rapporteurs as possible, Mr. Vitit Muntarbhorn had been invited to talk to the Committee about his activities as Special Rapporteur on the sale of children, child prostitution and child pornography.

2. Mr. MUNTARBHORN (Commission on Human Rights Special Rapporteur on the sale of children, child prostitution and child pornography) pointed out, first of all, that his mandate covered not only the sale of children but also child prostitution, child pornography and other means of exploiting sold children, including child labour exploitation, the sale of children's organs - even if that was as yet a mere threat and the recruitment of child soldiers. His investigations had brought him into contact with the children themselves on the occasion of his visits to various countries and his reports reflected their views.

3. He explained that he prepared two kinds of report: the first kind on the general situation in the world and the second kind on the countries that he visited. They included countries in the developing world as well as in the developed world; he had for instance been to the Netherlands, Brazil and Australia.

4. The three subjects he was required to study, namely, the sale of children, child prostitution and child pornography were interlinked, particularly since their courses were essentially poverty and the non-observance of economic, social and cultural rights. It was therefore completely logical that he should work with the Committee. He stressed that those issues should not be viewed merely from the viewpoint of supply, but also of demand, in other words, that of consumers and suppliers, which was often glossed over.

5. The issue with which he was concerned was a multifaceted one. There was in particular the aspect of the internationalization or transnationalization of the phenomenon, since it was increasingly clear that children were sold from one country to another for purposes of sexual exploitation, adoption or the exploitation of their labour, for example, for camel races in certain Gulf countries.

6. There were also the needs created by technological progress - in vitro fertilization, organ transplants, etc. - which might well increase the flow of transborder exchanges if nothing was done to prevent it.

7. There were also local and ethnic conflicts in which children were recruited as combatants or auxiliaries to the armed forces. In addition, children were orphaned and fell prey to traffickers who sold them abroad for adoption.

8. Crime and corruption also played their part in the unenviable fate of some children in countries where neither the law nor economic, social and cultural rights were respected. A new impetus for the commercialization of children was the criminal world which used children to sell drugs for example or to steal or commit offences of every kind. The phenomenon was a relatively new one and was sometimes complicated by collusion between law enforcement authorities and criminal elements.

9. He invited the Committee to refer to his report on the situation in the world (E/CN.4/1993/67), in order to see the extent to which his mandate and the task of the Committee complemented each other, since it was often the non-observance of economic, social and cultural rights which led to the exploitation of children. With preparations for the World Conference on Human Rights under way, it would be an appropriate time to coordinate action and to shape strategies not only for the long term but for the present as well. Two programmes of action, one on the sale of children and the other on the exploitation of child labour had already been drawn up by the Commission on Human Rights and other competent bodies in order to follow up the Convention on the Rights of the Child. The programmes focused on measures to be taken to prevent the sale and exploitation of children, to protect them against those evils and to rehabilitate them when they had been unable to escape from them.

10. With regard first of all to prevention, the difficulty lay in taking effective interdisciplinary measures, for example, to implement anti-poverty strategies, to improve the flow of information, to satisfy basic needs and to provide jobs. That activity was related to the celebration of the Year of the Family, in 1994. It was also related to problems connected with the breakdown of the family, a phenomenon which made the sale of children easier. In order to eradicate it, the issue of improving services for families and children had to be addressed, with special emphasis placed on social development and the participation of the targeted groups themselves rather than on assistance passively received.

11. A further challenge to be met in the field of prevention was that of criminality linked to social and economic poverty. What anti-crime measures could be taken, if indeed it was possible to do so, and what kind of participation could be asked of the community in the fight against crime? Such were the kind of problems that needed to be resolved.

12. Turning to the protection of children from sale and exploitation, he said that protection should in the normal course of events be ensured by domestic law and the law enforcement authorities. Unfortunately, while criminal laws and Penal Codes abounded, they were often nothing more than pieces of paper. The key to the situation then was not to adopt new provisions but to implement those already in existence. If they were not implemented, it was through lack of political will. Therefore, a way needed to be found to encourage the proper implementation of the law and to reprimand those responsible for implementing them who failed in their duty. Furthermore, decision makers should learn to take into account issues concerning children and the family in the measures they might put forward. As for traffickers in children and their clients, their activities, including those carried out by intermediaries, should be made a statutory offence. Some countries, like Germany, Australia,

the United Kingdom and the Scandinavian countries planned to extend their jurisdiction to cover offences committed by their nationals abroad.

13. As for the rehabilitation of child victims of violations, legal remedies could of course be advocated although in many developing countries those remedies were known to be ineffective or inaccessible. Various remedies should therefore be considered, including media pressure, community participation and medical care.

14. Reverting to the question of the transnationalization of the sale of children, he wondered what could be done at the bilateral, multilateral and regional levels in order to eradicate that practice, since children were completely defenceless in the face of the phenomenon. When they returned home, in particular, they were often rejected by their community, and those who had been forced into prostitution had sometimes been infected by the AIDS virus and were even more physically and morally vulnerable. In the latter case, more than in the others, the question arose of the right to health and the material resources, such as infrastructure and services, needed to enjoy that right.

15. In conclusion, he suggested that interested members of the Committee might acquaint themselves with the text of his mandate, and he expressed his willingness to continue the cooperation which had just been established with the Committee.

16. Replying to a question by Mr. Grissa, the CHAIRPERSON said that Mr. Muntarbhorn's reports would be distributed to Committee members.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 5) (continued)

Second periodic reports concerning articles 1 to 15 of the Covenant (continued)

Canada (continued) (E/1990/6/Add.3)

17. At the invitation of the Chairperson, Mr. Kessel, Mr. Scratch, Mr. Roberts, and Mr. Sirois (Canada) took places at the Committee table.

18. Mrs. JIMENEZ BUTRAGUEÑO congratulated Canada on its report and paid a tribute to those NGOs who had added to the Committee's store of knowledge, since a country did not consist only of its Government but also its civil society.

19. Her first question concerned the situation of the woman head of family, especially when young and unemployed. She asked whether there was any machinery which made it possible to prove the father's responsibility and to oblige him to contribute to support for his family.

20. She was also concerned about the situation of widows, divorced women and some men who reached retirement age without ever having worked. She wondered whether they were paid enough money to allow them to live decently, as was the case in Spain.

21. The Canadian programme of health protection for the elderly was a very interesting initiative. She asked whether there were enough geriatricians in Canada and in cases where there might have been a reduction in health expenditure where exactly the cuts had been made. Although it seemed to her that expenditure on medicines was sometimes unnecessary, it would be equally unfortunate if the budget for preventive medicine was reduced. She also asked whether there were services for the chronically ill, dying and those suffering severe pain.

22. With regard to education, the Canadian programme for exceptional children seemed to be most interesting, but she wondered whether it was intended for gifted children or children with learning difficulties since both had problems of integration. With particular reference to girls, she asked whether there were programmes to encourage them to take up courses of study for the professions of the future and not only traditionally feminine skills. She welcomed the programmes of continuing education for the elderly, given that by the year 2000 the elderly population would have grown and there would even be people of 100 years old with all their faculties intact.

23. Mrs. TAYA, commenting on the procedure used for NGOs, recalled that under the procedure established in Council resolution 1503 (XLVIII) and in the Optional Protocol to the International Covenant on Civil and Political Rights, a communication could only be presented when all available means at the national level had been resorted to. She was not proposing that that rule should be applied strictly to NGOs, but considered that it would be desirable for those organizations to transmit their statements to the Government before submitting them to the Committee. As the Canadian Government's report had been distributed to the public, it was only fair that the Government should also see the NGO reports before they were presented to the Committee.

24. The case of Canada would be a model for the new procedure adopted by the Committee for NGO participation in its work. She believed that the proposal she had just made would spare the Committee futile debates; she asked whether the Canadian Government intended to request NGOs to submit their reports to it before submitting them to the Committee.

25. Mr. WIMER ZAMBRANO said that it was very generous of Mrs. Taya to propose that NGOs should address their statements to their own Government but remarked that while that might be possible without risk in Canada, that might not be the case in many countries where freedom of expression and democracy were not yet an everyday feature of life.

26. Mr. RATTRAY proposed that the Committee should listen to the replies of the Canadian delegation to the specific questions raised by the National Anti-Poverty Organization in a document which the delegation had seen, on social protection, health, housing and protection of living standards in Quebec.

27. Mr. KESSEL (Canada) stressed, with regard to Mrs. Taya's comments, that the Canadian authorities cooperated extensively with NGOs. That cooperation was vital because the Government did not always have ways and means of collecting useful information in the field of human rights and the NGOs, which were well established on the ground and acted independently, were valuable

partners. It was also obvious that if NGOs sent their communications on the situation in a particular country to the Government concerned well in advance of the Committee's consideration of that country's report, the delegation of that country could reply more specifically. However, he considered that it was up to the Committee which had just agreed to the direct participation of NGOs in its work to decide upon the procedure to be followed in that regard.

28. Replying to a question asked by Mr. Vita on international development assistance, he said that in the late 1980s the Government of Canada had conducted an extensive review of its official development assistance policies and programmes, following which the Government had announced a new strategy for assistance entitled "Sharing our future". The strategy was based on the following four principles: aid to the world's poorest countries and people; strengthening the human and institutional capacity of developing countries to solve their own problems; developmental priorities in setting objectives for development assistance; strengthening the links between Canadian citizens and institutions and those in the third world. The following priorities focused assistance projects and programmes: alleviating poverty; designing structural adjustment policies that took into account their impact on people; emphasizing the role of women in development; fostering environmentally sound programmes; ensuring food security and emphasizing energy availability. Those principles and priorities constituted the Charter for Canada's development assistance programme. The programme included initiatives to create a new eligibility framework for assistance which made it easier to take into account the human rights performance of various countries; improving programme delivery through the decentralization to ensure that initiatives were better tailored to local needs; human resources development aimed at creating indigenous capacity to enable each country to solve its own development problems; and lastly developing a public education and outreach strategy to raise the level of awareness of the Canadian people of development issues.

29. In response to Mr. Muterahejuru's question relating to environmental concerns, he said that Canada had played an active role in the Rio Conference on Environment and Development and continued to be strongly committed to the follow-up of "Agenda 21". The concept of sustainable development had become one of the pillars of Canadian environmental and development policy. With respect to hazardous wastes, Canada had ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. Canada was implementing the obligations contained in that Convention through the Canadian Environmental Protection Act. No hazardous material could be exported without the prior consent of the developing country in question. In the event of a breach of the law, violators were subject to penalties, including imprisonment. The transboundary disposal of hazardous wastes between Canada and the United States was governed by a 1986 bilateral agreement complying with the requirements of the Basel Convention. In addition, Canada had accepted the decision of the OECD concerning the control of transfrontier movements of wastes destined for recovery operations. Noting that thus far only five African countries had signed the Basel Convention, he urged those countries which had not yet acceded to the Convention to do so.

30. With regard to the rights of aboriginal people, he recalled that in 1763 Britain had issued the Royal Proclamation establishing the rights of aboriginal people in respect of the use and occupation of certain land. The

Proclamation had prescribed that Indian lands might be acquired only by the Crown and had established as a temporary measure procedural requirements relating to the purchase of land by the Government. The Crown had subsequently begun a treaty-making process with the various Indian groups, assuring the occupation and development of the land. Under certain treaties, land had been reserved for the Indians. Today, there were treaties between the Canadian Government and the aboriginal people; those treaties were guaranteed by the Constitution. The first Indian Act had been adopted in 1876; it had established a special relationship between the Federal Government and "status" Indians which continued today. A reserve was land, legal title to which was held by the Crown, that had been set aside for the use and benefit of an Indian band. Aboriginal people, as defined in the Constitutional Act, 1982 were the Indian, Inuit and Métis peoples of Canada. According to 1991 estimates, there were over 1 million aboriginal people in Canada, representing 3.7 per cent of the total Canadian population. Less than one third of aboriginal people were Indians living on reserves. There were at present some 604 Indian bands on 2,364 reserves in urban as well as agricultural areas. Most Inuit resided in the north of Canada, while most Indians and Métis lived on the prairies in the southern part of the country. Canada's aboriginal people comprised a variety of groups with very different circumstances and needs. For instance, Canadian Indians and Inuit comprised 11 major linguistic groups which included 53 dialects.

31. Mrs. Vysokajova took the Chair.

32. Mr. SCRATCH (Canada) said, with reference to a letter from the Canadian Council of Churches which Mr. Alvarez Vita had passed to him, that it was not correct to say that the Canadian Charter of Rights and Freedoms and Canadian immigration laws did not provide protection for families. Articles 7 and 15 of the Charter assumed protection for families fully in line with article 10 of the Covenant. In the ruling R. v. Mills, the Supreme Court of Canada had stated that security of the person, as established in article 7, encompassed protection against stress and anxiety resulting from factors including disruption of the family, social life and work. Article 15 of the Charter had also been interpreted by the courts in the sense of extensive protection of children and their parents (see, inter alia, the ruling handed down by the Federal Court in the case of Schachter v. The Queen).

33. The letter from the Canadian Council of Churches also raised the issue of the protection of foreign families under the Charter. There again, the Supreme Court had decided in favour of strict protection for refugees. Non-citizens did not come within the jurisdiction of inferior tribunals: any decision taken under the Immigration Act might, with leave, be reviewed by the Canadian Federal Court. Further, the Immigration and Refugee Board was a specialized independent tribunal made up of professionally trained staff, many of whom were lawyers. The letter from the Canadian Council of Churches also alleged that the Immigration Act discriminated against non-citizens in the area of family reunion; he pointed out that article 46.04 (1) of the Act (amended on 1 February 1993) now permitted a person with refugee status to apply for family reunion. Some people had feared that the amendments of February 1993 replaced guidelines encouraging officials to take the family situation into account when deciding whether a person could remain in Canada on humanitarian grounds. In point of fact, a senior immigration official had

confirmed two days earlier in Ottawa that those guidelines were still in effect. Finally, article 69 of the Immigration Act specifically assured the protection of minors.

34. Mr. Grissa had asked whether disadvantaged groups, such as single mothers or ethnic groups, enjoyed special protection and he had requested more information. Numerous laws had been and were being enacted to protect those groups after the Government had assessed specific needs in respect of protection following consultations with non-governmental associations and organizations or as a result of political pressure. To date, there were no statistics; when relevant data became available, the Canadian authorities would certainly transmit them to the Committee. The figures given in the report of the National Anti-Poverty Organization would be communicated to the various provincial and local authorities for further study.

35. In answer to a question by Mr. Rattray about the remedies available against individuals who denied the rights of other individuals, he confirmed that the Canadian Charter of Rights and Freedoms applied only to the actions of the Government and only regulated the relations of individuals with the administration. Canadian citizens occasionally misunderstood that aspect and invoked the Charter, for example, in the case of a dispute with their landlord. Nevertheless, the Charter served as a kind of reference with regard to legislation as a whole, with the provisions relating to human rights enjoying a special status of a quasi-constitutional nature.

36. Mr. Simma and Mrs. Bonoan-Dandan had asked whether the Court Challenger Programme would be resumed, perhaps in the form of a foundation. He explained that the Programme had provided funding for test cases in two areas: challenges to federal laws on the basis of article 15 of the Charter and linguistic cases. It had not been a general legal aid programme; it had dealt only with cases that met certain criteria and which would clarify certain provisions of the Charter. The Canadian Government had not succeeded in finding other partners to fund a foundation. It had therefore decided that it was unable to implement the programme.

37. With regard to the question by Mr. Simma on whether the position of the Canadian Government on the interpretation of article 7 was the same as that of the Government of Manitoba in the Fernandez case, lack of time had prevented him from assembling the information needed to enable to give a precise reply. As far as he was aware, to date most of the cases in which article 7 had been invoked in relation to economic and social rights had focused on the validity of provincial programmes. In the Schachter case, with respect to remedies for violations of article 15, the Canadian Government had argued that it was not the role of the court to redesign programmes, especially when significant expenditures were involved. The question of the respective roles of governments and courts was very important; it was likely that it would be further explored in the years ahead.

38. Mr. ROBERTS (Canada) said, in reply to the question raised by Mrs. Bonoan-Dandan on discrimination in housing against families with children, as referred to by the National Anti-Poverty Organization, that the Government of Ontario had provided information on the legal provisions that conferred a degree of protection in that regard. They were the Ontario Human

Rights Code which prohibited, inter alia, any discrimination based on "family status" and the Landlord and Tenant Act which prohibited any landlord from reprocessing housing on the pretext that it was occupied by children.

39. Moving on to the question by Mr. Alvarez Vita on the fiscal policies followed by the Federal Government and on the cut in social assistance expenditures met by the Federal Government, he explained that the federal budget had imposed a ceiling of 5 per cent on increases in the payments made under the Canada Assistance Plan in respect of the three provinces of Alberta, British Colombia and Ontario, which were considered rich enough to be ineligible for supplementary tax adjustments by the Federal Government. The ceiling had been extended for a further three years as part of the measures to reduce the overall deficit. He explained that the provision imposed no restrictions whatever on the expenditures entered into by the provincial governments in respect of social assistance. The rapid increase in spending by those governments explained why the proportion of expenditures met by the Federal Government had decreased by 50 per cent, for instance, in Ontario and in British Colombia. Further, the two provinces had undertaken wide-ranging reforms which had made it possible, inter alia, to increase the amount of benefits.

40. Turning to the question by Mr. Grissa about the effectiveness of anti-poverty legislation, he said that the Canadian delegation had already provided comprehensive information on that question. The measures taken by the Canadian Government in connection with the individual cases concerning problems of single parent families and other groups were given in paragraphs 52 to 72 of the second periodic report submitted by Canada in accordance with articles 16 and 17 of the International Covenant on Civil and Political Rights. Most of the programmes sought to improve the level of life of the population and contained an evaluation component which made it possible to determine the effectiveness of programmes over a period of time.

41. In reply to the question by Mr. Simma on the comparison between the social policy pursued by Canada and practices in Scandinavia and the United States of America, he considered that Canada followed its own policy which had evolved over the years and which was in keeping with the specific aspirations and priorities of Canada. Some aspects of the Canadian social security system resembled those of the United States system, but the Canadian system was much more comprehensive and in that regard could be compared to certain European systems. As Mr. Simma had commented, all countries had to cope with fiscal pressures which compelled them to undertake reforms of their social programmes. It was therefore difficult to make an efficient use of comparisons whose results were very soon outdated. He referred to a number of studies conducted on that question.

42. Canada did not yet have specific statistics on homelessness; the existing evaluations were extrapolated from incomplete information. The Canadian Government did not minimize the importance of the problem; he hoped to be able to communicate the results of the census conducted in 1991 as early as possible.

43. With regard to food assistance, he replied to Mr. Grissa that numerous provincial and local governments made financial assistance directly available to "food banks" and provided certain services in the sector of transport and foodstuff distribution. Gifts were eligible for tax reductions.

44. In reply to Mr. Muterahejuru, who wondered how housing and food shortages could persist in Canada, he said that the question was highly complex and had already been raised by governments, NGOs and academics. The causes of poverty were many and closely linked. The recession which had begun in 1990 in Canada was now drawing to an end. The GDP had declined by 3.6 per cent and the rate of unemployment had risen from 2.3 per cent in 1988 to 11.7 per cent in 1993. Social assistance programmes had increased considerably, but in order to reduce its deficit the Federal Government had found it necessary to take measures to cut back on numerous economic and social programmes. The effects of the recession on social indicators had already been explained by the Canadian delegation. Basing himself on the data published in a recent edition of The Economist magazine, he commented that a larger number of European industrialized countries also had to cope with serious problems arising from the recession and that in the course of the previous year, the United Kingdom, the Netherlands, Germany and France had recorded a rate of economic growth well below that of Canada.

45. Replying to a question by Mrs. Jiménez Butragueño, he said that Canada took numerous measures to help single parent families and the elderly. The Federal Government encouraged and financed geriatric research programmes and made every effort to combat discrimination based on age. One particular act provided pensions for widowed persons on low-incomes between the ages of 55 and 64.

46. Mr. SIROIS (Canada), replying to the question raised by Mr. Muterahejuru on illiteracy in Canada, said that its primary cause was lack of education as, like many countries in the world, education had only gradually become compulsory in Canada. It was also due to dropping out of school early. The literacy process was linked to the functioning of the individual in society and should be studied from the point of view of the ability to use written material in everyday life. A national literacy programme had been set up five years previously and took into account recent developments, for example, in computer technology. The Federal Government's aim was to halve the present rate of illiteracy by the year 2000. In 1994, "Statistics Canada" and the United States "Education Testing Services" would be undertaking a study on literacy at the international level, and the results would enable policies to be formulated for interested countries.

47. With regard to the question raised by Mr. Rattray on the education dispensed for Indians in the Northern Territories reserves, no statistics were available on the school drop-out rate, but the enrolment of pupils between the ages of 6 and 15 in primary and secondary schools had fallen from 87.6 per cent in 1985-1986 to 81.4 per cent in 1990-1991. However, children were staying at school longer. The percentage of children reaching the twelfth and thirteenth grades had risen from 33.9 per cent in 1985-1986 to 47 per cent in 1990-1991. The Federal Government provided additional funding for primary and secondary education for aboriginal people. The proportion of children in kindergartens and in primary and secondary schools had risen from

72 per cent in 1960-1961 to 96 per cent in 1991-1992. Indian children now obtained better school results than before, and some 42 per cent of them completed their secondary education. That success was due to the incorporation of Indian languages, culture and tradition into school curricula and by frequent use made of Indian elders in providing instruction. Furthermore, the number of teachers had tripled over the past 20 years. In higher education, over 21,000 students had received scholarships in 1991-1992, as against 11,700 in 1985-1986. Progress had been dramatic but there was still a long way to go before the school attendance rate of the aboriginal people was maximized. The Federal Government had allocated $1.18 billion for that purpose for the next five years.

48. Children on Indian reserves (some 45,665 pupils) studied in band-operated schools. The quality of the education was guaranteed through a funding plan which enabled those pupils to follow programmes recognized at the provincial level. Every five years, the band/school board examined the school curricula to assess the quality of the teaching and to see whether the targets of the community and of the school had been met. The school board was also responsible to the members of the community for the results obtained in that area. Responsibility for primary and secondary education in the north-west territories had been transferred to the government of the Northwest Territories which received funding from the Federal Government. In Newfoundland, federal scholarships were available to cover the teaching costs of the aboriginal populations. In northern Quebec, teaching was provided in schools run by Inuit. Also, 65,000 aboriginal people in northern Canada would soon be able to receive television broadcasts by satellite and thus take advantage of the special educational programmes which would be linked across 3,000 kilometres, or three time zones.

49. Canada's efforts in the area of multiculturalism were aimed at combating racism and promoting closer relations and understanding among the various groups that made up the population. That policy had been adopted during the Second World War when the Canadian authorities had decided to promote the integration of the refugees whom they had admitted into the country. In the same context, the Canadian Multiculturalism Act had been adopted in 1988 which committed federal institutions to take into account the cultural diversity of the Canadian population and to assure equality for all Canadians; the Multiculturalism Policy had been enunciated in 1971; the cultural heritage of the various groups that formed Canadian society was protected, in accordance with the Constitution. The Human Rights Act prohibited the broadcasting of racist programmes on television. Furthermore the Federal Government and many provincial governments had a Race Relations Department which worked in close collaboration with the key institutions of the various communities. Many educational programmes had also been introduced both in schools and within certain institutions, such as the mounted police, in order to promote cross-cultural understanding. Finally, he noted that for many years Canada had officially celebrated the International Day for the Elimination of Racial Discrimination.

50. In reply to the questions raised by Mrs. Jiménez Butragueño, he said that exceptionally gifted children were also targeted by the policies developed for children with learning difficulties. With regard to access to education by the elderly, a good many attended university and had only to pay the minimum

fees or sometimes nothing at all. As far as he was aware, there were no restrictions on elderly persons or on other students. However, his delegation would look into that question on its return to Canada.

51. In conclusion he reaffirmed that Canada would take into account the Committee's request to provide more information on the impact of legislation, measures and programmes adopted by the Federal, provincial and territorial governments. However, as the Committee had indicated in the past that Canada's report was too bulky, the amount of information would have to be restricted.

52. Mr. Alston resumed the Chair.

53. Mr. WIMER ZAMBRANO wondered whether there was any precise legal definition of the word "Indian". Were there any legal or sociological criteria? The question was relatively simple to solve in Canada but far more difficult in many Latin American countries. It was nevertheless an important issue involving both a technical and social concept.

54. Mr. SIMMA said that he had been impressed by the objective way in which the Canadian delegation had responded to information offered by one NGO, namely the Canadian Council of Churches. It might therefore be able to respond in the same way to information offered by another NGO, the National Anti-Poverty Organization. Was it true, for instance, that in 1990 the Federal Government had taken a unilateral decision to cut back by 50 per cent its contribution to the funding of social benefits for the needy, despite its obligation under the Canada Assistance Plan? Was it true that the Canadian Government had decided to discontinue funding for the National Social Assistance Board? Was it true that the Canadian delegation was unaware of the fact that, due to poverty and housing problems, families were having to give up their children? The same NGO also claimed that most landlords refused to rent to persons on public assistance and that the Federal Government had announced that it would be cancelling its funding for the Canadian Council for Social Development. Was that information correct?

55. Furthermore, as part of the current constitutional debate in Canada, a number of approaches to social and economic rights had emerged. There was on the one hand a somewhat "leftist" proposal for a social charter under which social rights would come within the purview of the courts. Another approach, which was at present being applied in Canada, enabled the courts to take up a number of issues relating to social and economic rights, under chapters 7 and 15 of the Canadian Charter of Rights and Freedoms. The latter approach, which was supported by the Federal Government, in the context of its projected economic and social union, would convert economic rights into purely political objectives which could therefore no longer be implemented by the courts. The Committee would welcome some clarification on that question.

56. Mrs. JIMÉNEZ BUTRAGUEÑO said that the Committee's work would have been easier if Canada had provided written replies to the questions put by the Working Group, as other countries had done.

57. The CHAIRPERSON pointed out that Canada's initial replies had been given in writing and were available from the Secretariat.

58. Mr. GRISSA inquired whether the food donated to the food banks was sufficient to meet the requirements of the needy.

59. Mr. SCRATCH (Canada) replying to questions raised, said that there was not one but several definitions of the word "Indian". In fact the different Indian organizations themselves used different definitions.

60. With regard to the debate on economic and social rights, the Government's current proposal for an economic and social union was in fact a compromise rather than a desire to devalue the rights in question. It was not possible, at the present time, to prejudge the matter, as that hotly debated issue had not yet been resolved.

61. Mr. ROBERTS (Canada) said that in 1990, Parliament had decided to reduce the proportion of federal funding for the social assistance programmes of the country's three richest provinces. The Federal Government continued to contribute 50 per cent of the social assistance payments in the other provinces. Health costs, however, continued to rise in Canada and the federal contribution continued to increase, even though it was lower in proportion. The funding of the Canadian Council for Social Development had been reviewed in recent years but as far as he was aware, it was still continuing.

62. The Canadian delegation was not aware of any cases of children being given up through poverty and housing problems, but as one of the NGOs had drawn attention to that issue, it would look into it on its return to Canada.

63. The CHAIRPERSON thanked the Canadian delegation for the considerable efforts it had made in replying to the Committee's questions.

64. Mr. Kessel, Mr. Scratch, Mr. Roberts, and Mr. Sirois (Canada) withdrew.

The meeting rose at 12.55 p.m.